

Exhibit 39

Francesco Gallo

3/13/2008

1	Gallo	292	1	Gallo	294
2	show up anymore.		2	A. Not fun. He made reference and made me	
3	Q. Okay.		3	feel that I was old enough to leave and that was a	
4	A. Okay.		4	good thing for me to leave Alitalia.	
5	Q. All right. And have you discussed any of		5	Q. Can you remember anything specific that he	
6	Mr. Oksuz' allegations with him since that meeting		6	said to you?	
7	over coffee?		7	A. He actually was, was against, at least	
8	A. Since that over coffee, no.		8	what he was telling me, Alitalia situation, Rome,	
9	Q. How many times did you see Pierandrea		9	because of political war inside and so forth. And I	
10	Galli after you became a consultant? How many times		10	said, you know, good for you that if you wanted, you	
11	did you speak with him, let's say?		11	could tell them to go to hell or to leave.	
12	A. Spoke to him quite often on the phone.		12	Q. Okay. Anything else that you remember?	
13	Saw him, I would say, three or four times.		13	A. Not that I remember.	
14	Q. Did he make harassing remarks about your		14	Q. Did Mr. Galli make any harassing remarks	
15	perceived sexual orientation on the times that you		15	about your citizenship after September 15th?	
16	spoke with him on the phone?		16	A. Yes.	
17	A. Well, I believe that, if that perspective,		17	Q. Mr. Galli did?	
18	not on the phone.		18	A. Yes, yes, yes.	
19	Q. Well, on the three or four times --		19	Q. What did he say?	
20	A. In person.		20	A. Huh?	
21	Q. The three or four times that you saw him		21	Q. What did he say?	
22	in person, he made harassing remarks about your		22	A. Now you became another, another one, and	
23	sexual orientation?		23	not consider that Galli's son was born in the United	
24	A. I believe so, yes, but even before, even		24	States.	
25	before.		25	Q. Galli's son is an American citizen?	
1	Gallo	293	1	Gallo	295
2	Q. I'm asking only about after		2	A. Yes, that's what I'm saying.	
3	September 15th.		3	Q. And he made fun of you for being an	
4	A. Yeah.		4	American citizen?	
5	Q. Do you remember any remarks he made		5	A. He said, you know, all this time, you	
6	ridiculing your perceived sexual orientation?		6	know, buh, buh, buh, buh, buh.	
7	A. It was, you know, a bunch, you're a bunch		7	Q. I didn't understand that.	
8	of frocci, bunch of lesbian, this place is becoming,		8	A. You waited all this time, since I did	
9	things of this nature.		9	become American citizen only in 2005.	
10	Q. He said that after September 15th?		10	Q. You were on a green card before that?	
11	A. Yeah.		11	A. Yes, permanent resident, yes.	
12	Q. Each time he saw you, he said those		12	Q. From 1968 until 2005?	
13	things?		13	A. No, 1968, '68, '67, I believe, '67, '66.	
14	A. Not each time, no, absolutely. Did I say		14	Q. You have had a green card from the late	
15	that?		15	'60s until 2005?	
16	Q. No, I'm asking, did he say it each time?		16	A. Yes.	
17	A. No.		17	Q. When you became an American citizen?	
18	Q. How about your age, did he make harassing		18	A. Yes.	
19	remarks about your age in any of the communications		19	Q. And Mr. Galli made fun of you being an	
20	you had with him, either in person or on the		20	American citizen?	
21	telephone?		21	A. Yes.	
22	A. Yes.		22	Q. Did he tell you he didn't want you to be	
23	Q. After September 15th?		23	an American citizen?	
24	A. Yes.		24	A. Sure, I wanted.	
25	Q. He made fun of your age?		25	Q. Oh, he did want?	

28 (Pages 292 to 295)

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<p>1 Gallo 296</p> <p>2 A. I wanted.</p> <p>3 Q. No, the question is did he want.</p> <p>4 A. Huh?</p> <p>5 MR. KOCIAN: Listen to the question.</p> <p>6 THE WITNESS: I'm trying to.</p> <p>7 Q. Did he oppose your being an American</p> <p>8 citizen?</p> <p>9 A. No, he could not oppose because he did not</p> <p>10 have the authority to oppose.</p> <p>11 Q. I didn't ask about his authority. Did he</p> <p>12 tell you that he didn't want you to be an American</p> <p>13 citizen?</p> <p>14 A. No.</p> <p>15 Q. All right. How about your disability; did</p> <p>16 Mr. Galli make any harassing remarks about your</p> <p>17 disability after September 15th of 2005?</p> <p>18 A. Yes.</p> <p>19 Q. He did?</p> <p>20 A. Yes.</p> <p>21 Q. How many times?</p> <p>22 A. On the telephone, several times.</p> <p>23 Q. Can you remember any remarks that he made?</p> <p>24 A. That what I was telling him about the</p> <p>25 retaliation and harassing behavior of Mr. Libutti</p>	<p>1 Gallo 298</p> <p>2 Q. That happened in 2003, that he said it was</p> <p>3 in your imagination?</p> <p>4 A. Right. No, no, no, also in 2005 and 2006.</p> <p>5 Q. Was Mr. Libutti a good friend of yours?</p> <p>6 A. No.</p> <p>7 Q. You were not friends?</p> <p>8 A. Friends, but not, nothing to do at</p> <p>9 Mr. Galli's level.</p> <p>10 Q. You weren't as close as you were with Mr.</p> <p>11 Galli?</p> <p>12 A. No, no.</p> <p>13 Q. You used to have morning coffee with him?</p> <p>14 A. Every morning.</p> <p>15 Q. Whenever the two of you were in the office</p> <p>16 at the same time, you'd have coffee, right?</p> <p>17 A. Yeah, he was calling me. He expected me</p> <p>18 to go there. And if I was not going there, he would</p> <p>19 call me on the phone.</p> <p>20 Q. Okay. To have you come in and talk?</p> <p>21 A. Yes.</p> <p>22 Q. Didn't you have dinners together with your</p> <p>23 wives present?</p> <p>24 A. Dinners, I believe once or twice because I</p> <p>25 was forced to go.</p>
<p>1 Gallo 297</p> <p>2 was in my head because I was a psychiatric</p> <p>3 mental-ill person.</p> <p>4 Q. Mr. Galli said that?</p> <p>5 A. Yes.</p> <p>6 Q. More than once?</p> <p>7 A. At least twice.</p> <p>8 Q. At least twice, okay. Were you and Mr.</p> <p>9 Galli friends?</p> <p>10 A. Very good friends.</p> <p>11 Q. Very good friends. And he was saying</p> <p>12 these terrible things to you?</p> <p>13 A. Mr. Galli changed completely behavior</p> <p>14 toward me when he came to, when he came back to the</p> <p>15 United States. He created, that's what my sensation</p> <p>16 is with Libutti and some people in Rome, this plot,</p> <p>17 this horrible — shall we define —</p> <p>18 Q. You said he created that when he came back</p> <p>19 to the United States; do you mean in 2003?</p> <p>20 A. Yes.</p> <p>21 Q. He started plotting against you then?</p> <p>22 A. Oh, yes, probably departed from Rome with</p> <p>23 that in mind because at least that's what Libutti</p> <p>24 stated. That's what I asked him. And he said it</p> <p>25 was my imagination.</p>	<p>1 Gallo 299</p> <p>2 Q. How many times after September 15th of</p> <p>3 2005 did Mr. Libutti make harassing comments about</p> <p>4 your age to you?</p> <p>5 A. Every time he had the opportunity to.</p> <p>6 Q. Every morning that you had coffee?</p> <p>7 A. No, no.</p> <p>8 Q. So not that often?</p> <p>9 MR. KOCIAN: Objection.</p> <p>10 A. I mean, if you want a number, I don't have</p> <p>11 that.</p> <p>12 Q. You don't have a number, okay. Do you</p> <p>13 remember any specific remarks he made about your</p> <p>14 age?</p> <p>15 A. Yeah, I believe that in one instance, even</p> <p>16 Mr. D'Ilario was present, that he referred to me as</p> <p>17 an old man, but seems like --</p> <p>18 Q. Mr. Libutti referred to you as an old man</p> <p>19 how many times?</p> <p>20 A. Several times.</p> <p>21 Q. Several?</p> <p>22 A. On one occasion, Mr. D'Ilario was present.</p> <p>23 Q. How many times did Mr. Libutti make</p> <p>24 harassing comments to you about your perceived</p> <p>25 sexual orientation after September 15, 2005?</p>

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1	Gallo	300	1	Gallo	302
2	A. About two or three times.		2	make harassing comments to you about your	
3	Q. Okay. How about your citizenship, how		3	disabilities after September 15th?	
4	many times did he make disparaging or harassing		4	A. Many times.	
5	comments about your citizenship after September 15,		5	Q. Many times. More than five?	
6	2005?		6	A. More than five, yes.	
7	A. Well, it was making reference, I don't, I		7	Q. More than 10?	
8	don't know the number of times, but more than one		8	A. Yes.	
9	time.		9	Q. What did he say that was harassing about	
10	Q. More than 10 times?		10	your disabilities?	
11	A. Five, six times.		11	A. Making reference, you know, I don't	
12	Q. Okay. Are you aware that Mr. Libutti was		12	remember, he was talking about Sciarresi's situation	
13	interested in becoming an American citizen?		13	when he was in the mental institution. And he was	
14	A. No, he wanted his daughter.		14	saying, you know, you should have been put together.	
15	Q. Sorry?		15	He also told me that --	
16	A. He wanted to have the work permit for his		16	Q. Let me interrupt you. I only want things	
17	daughter.		17	he said after September 15, 2005.	
18	Q. He wanted a green card for his daughter?		18	A. Yes.	
19	A. Eventually green card, you don't have a		19	Q. Because Sciarresi was 2004 that he was in	
20	green card --		20	the mental institution.	
21	Q. So you're not aware that Mr. Libutti was		21	A. Yeah, but we were talking about Sciarresi,	
22	interested in becoming an American citizen?		22	not every day, but at least once a month.	
23	A. Oh, he wanted, sure, yes, he asked me.		23	Q. Okay.	
24	Q. Oh, he did?		24	A. About his case.	
25	A. Yes, he asked me, yes.		25	MR. KOCIAN: I understand, Counsel, that	
1	Gallo	301	1	Gallo	303
2	Q. He asked you, okay.		2	we're past the cut-off time.	
3	A. Permanent resident, no American citizen.		3	MR. KORAL: This is going to take me not	
4	I believe it's two different issues, permanent		4	five minutes. And we probably won't have to	
5	residency in the United States.		5	have a dispute.	
6	Q. So you think that he wasn't interested in		6	Q. So let me just ask you again, do you	
7	being a citizen?		7	remember any other remarks that he made that were	
8	A. He was interested in having the permanent		8	harassing about your disabilities?	
9	residence in the United States. They gave him the		9	A. Yes. Didn't feel well, you don't do this,	
10	possibility to work to him, his wife and his		10	and you could do this, you know, when you reach a	
11	children.		11	certain age, some of this disease comes from, you	
12	Q. What about citizenship?		12	know, the fact that you reach an age, you think	
13	A. He never mentioned citizenship to me.		13	you're always 20 years of age, these kind of	
14	Q. He never mentioned citizenship to you,		14	remarks.	
15	okay.		15	Q. Okay. And about how often did he make	
16	A. He was talking about my citizenship,		16	these kinds of remarks after September 15, 2005?	
17	becoming American.		17	A. Counsel, I did not count. I understand.	
18	Q. Are you aware that Mr. D'Ilario is		18	I don't know how many times.	
19	interested in becoming an American citizen?		19	Q. Was it more than 10?	
20	A. I heard yesterday --		20	A. I told you more than 10, yes.	
21	MR. KOCIAN: Objection.		21	Q. More than 20?	
22	A. -- that Mr. D'Ilario said that he was		22	A. No. I don't know.	
23	interested in becoming a permanent resident of the		23	Q. Did you complain about Mr. Libutti's	
24	United States. I did not hear citizen.		24	remarks about your disability, sexual orientation,	
25	Q. Finally, how many times did Mr. Libutti		25	age or citizenship to anybody in Rome after	

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	Gallo	304		Gallo	306
1	September 15, 2005?		1	MR. KORAL:	Okay, I'm finished.
2	A. Just in Rome?		2	MR. KOCIAN:	Okay, terrific.
3	Q. Well, anybody else in the company, let's		3	THE VIDEOGRAPHER:	This is the end of the
4	say that. That is a good corrective.		4	deposition. We are off record at 2:23 p.m.	
5			5		
6	A. Galli.		6	This is the end of tape three.	
7	Q. After September 15, 2005, you complained		7	(Time noted: 2:23 p.m.)	
8	to Galli?		8		
9	A. Yes.		9		
10	Q. Okay.		10		
11	A. I even called in two instances because --		11		
12	Q. Okay.		12		
13	A. -- I call him.		13		
14	Q. About Libutti's remarks?		14		
15	A. Yes, yes.		15		
16	Q. Did you complain to anybody about Galli's		16		
17	remarks?		17		
18	A. Excuse me?		18		
19	Q. Did you complain to anybody about Galli's		19		
20	remarks?		20		
21	A. No.		21		
22	Q. No, okay. And as to Libutti's remarks,		22		
23	did you complain to anybody besides Galli?		23		
24	A. Probably Conforti.		24		
25	Q. Do you remember complaining to Conforti?		25		
	Gallo	305			307
1	A. Yes, yes.			ACKNOWLEDGEMENT	
2	Q. After September 15, 2005?			STATE OF NEW YORK)	
3	A. Yes.			ss	
4	Q. How many times?			COUNTY OF NEW YORK)	
5	A. It was in the occasion, actually, of when				
6	he gave me those documents. That was it.			I, FRANCESCO GALLO, hereby certify, I have	
7				read the transcript of my testimony taken under oath	
8	Q. Anybody besides Conforti and Galli in two			in my deposition of March 13, 2008; that the	
9	phone calls?			transcript is a true, complete and correct record of	
10	A. I don't remember.			what was asked, answered and said during this	
11	Q. I have a final question for you, and then			deposition, and that the answers on the record as	
12	we're done.			given by me are true and correct.	
13	You and Mr. Ferrara came to the Alitalia				
14	offices on a Saturday in early June of 2006 after				
15	you had left Alitalia; do you remember why you came?				
16	A. When?				
17	Q. Saturday, in early June 2006.				
18	A. Oh, to take our personal stuff, yes, yes.				
19	Q. You still had personal stuff in the				
20	office?				
21	A. Remaining stuff, right.				
22	Q. You did.				
23	MR. KORAL: Okay, I'm finished.				
24	A. And I believe it was no more than 20				
25	minutes, half hour.				

31 (Pages 304 to 307)